IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8487 OF 2004

1. Shri Sambhaji Gangaram Jagdale
and anr. .. Petitioners.

Vs

1. Shri Ishwar Gopala Ghodake
and ors. .. Respondents

Mr S.S.Kulkarni, for the petitioners.

Mr P.K.Hushing, for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 3rd November,2004

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 12.7.2004, by which the petitioners' application seeking modification of the order dated 16.6.2004 has been rejected. By order dated 16.6.2004, the trial Court at the request of the petitioners appointed a Court Commissioner and directed him to measure the entire Gat No.45/201 admeasuring 3 Hector and 65 Ares situated at village Pedgaon. The suit property is a part and parcel of the aforementioned land. In my opinion, the learned Judge has considered the matter in proper perspective

and has rightly rejected the application for the reasons recorded in the order. I find no reason to exercise extremely limited jurisdiction under Article 227 of the Constitution of India to interfere with the order impugned in the present petition. The writ petition, therefore, fails and is dismissed as such.

. It is open for the petitioner to apply for demarcating the land purchased by him in 1983 before the trial Court. If such application is filed, same may be considered on merits in accordance with law.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)